Remarks

The claims are now in a form that paints a picture of the structure of the invention. A first post is disposed in upstanding relation to a base that is supported by the ground. A second post extends in cantilever arrangement from an upper end of the first post so that the second post is horizontal to the ground. The second post is further disposed at a right angle to an imaginary line that extends from a golf target hole to a ball that is positioned directly below a free end of the second post. A cradle interface is secured to a free end of the second past and the cradle interface releasably engages a third post that is disposed horizontally in parallel relation to the imaginary line. A cushioning material at least partially covers the third post. A free end of the third post is further from the target hole than the golf ball in a first position of adjustment and is closer to said target hole than said golf ball in a second position of adjustment.

No prior art patent is included in this clear picture of Applicant's invention. The contribution of Marier, Jr. does not provide a third post that is releasably engaged by a cradle interface that enables a golfer at a first skill level to position the free end of the third post and its cushioning means further from a target golf hole than the stationary golf ball and a golfer at a second skill level to position the free end of the third post and its cushioning means closer to a target golf hole than the stationary golf ball. Rod assembly 12 of Marier, Jr. is formed by rods 22, 22 held together by T-joint 24. A thorough reading of Marier, Jr. reveals that no suggestion is made therein that a first rod 22 can be removed to facilitate practice for players at a first skill level and a second rod 22 can be removed to facilitate practice for players at a second skill level. Marier, Jr. suggest that rods 22, 22 can be provided in the form of a continuous shaft (col. 2, lines 57-59). This teaches away from Applicant's contribution. The device of Marier, Jr. is never used with only one of the rods 22. As recited in col. 2, lines 43-48, "In the preferred rod assembly 12, a pair of rods 22 connect to opposite sides of a T-joint 24, which is further connected to the support arm 20. The rods 22 preferably extend approximately 3 feet from each side of the T-joint 24."

Applicant has made no claim to a C-shaped clamp as disclosed by Nunziato. No combination of Marier, Jr. and the C-shaped clamp of Nunziato suggests the subject matter of claim 1 submitted herewith. Applicant's cradle interface, which may have some similarity to a C-shaped clamp, is not claimed in isolation but as a part of a greater whole that is defined by all of claim 1. Changing T-joint 24 of Marier, Jr. to a C-shaped clamp is invention-guided, but such

change still does not produce a structure that suggests the structure described in detail in claim 1 filed herewith.

The subject matter of the dependent claims is allowable as a matter of law because said dependent claims depend from claim 1. Thus, it is of no patentable consequence that Macri teaches a releasable engagement means in the form of a magnet and a cushioning means for absorbing an impact. For the same reason, it is of no patentable significance that McCormick discloses the use of hook and loop fasteners in a golf training device. Nor is it significant that V-shaped base members and assembly guide cords were known prior to Applicant's disclosure.

To argue that Marier, Jr.'s device could be modified by removing one of the rods 22 for a golfer of a first skill level and by removing the other rod for a golfer of a second skill level is to use Applicant's invention as a reference against itself. The provision of the third post, attachable to a cradle interface member in either of two selective positions, is Applicant's contribution, not Marier, Jr.'s. A Notice of Allowance should be entered in fairness to Applicant. Applicant is entitled to the *quid pro quo* that is promised to those who advance the useful arts. Applicant has carefully delineated his contribution and the Office should allow claim 1 and the claims depending therefrom.

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,

SMITH & HOPEN

By: _____

Dated: July 23, 2003

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CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Preliminary Amendment is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3711, Attn.: Alvin A. Hunter, (703) 872-9302 on July 23, 2003.

Dated: July 23, 2003

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Deborah Preza